

## Nadler: "Not So Fast, Christie! You Can't Rewrite History"

Thursday, 07 September 2006

NEW YORK &ndash; Congressman Jerrold Nadler (D-NY) today blasted former EPA Administrator Christine Todd Whitman for trying to rewrite history regarding her false assurances on 9/11 air quality. In an interview on "60 Minutes" set to air this Sunday, Whitman apparently claims that she advised people on the pile to wear respirators and that the Giuliani Administration was in control of the WTC site, the New York Daily News revealed today.

"Christie Todd Whitman is making an absurd distinction between the pile and the air across the street," said Rep. Nadler. "But never mind that. The only real distinction she has made up until now is that the EPA was responsible for the ALL of the outdoor air, including the pile, as opposed to the indoor air. She was lying then and she's lying now," continued Rep. Nadler.

On January 17, EPA issued a statement saying, ". . .EPA has lead [sic] the effort to monitor the outdoor environment while the city of New York has taken the lead regarding the reoccupancy of buildings." In testimony before the U.S. Senate on September 24, 2002, Whitman herself stated that EPA is the "lead agency for hazardous material response" at the World Trade Center.

EPA's negligence and wrongdoing has been well documented over the last five years, beginning with Rep. Nadler's request for an EPA Ombudsman investigation, which resulted in two eleven-hour hearings in February and March of 2002. In those hearings, first responders testified that they were not issued respirators, but only "dust masks" that clearly state they will not protect the lungs. Whitman refused to participate in those hearings or allow anyone from the Agency to do so. Following these hearings, Rep. Nadler issued his seminal White Paper in April 2002, which documented Whitman's negligent actions, and identified what EPA should have done in the days following the World Trade Center attack. In 2003, the EPA Inspector General confirmed EPA's wrongdoing, but also found that the White House instructed EPA to downplay air quality concerns. Finally, a class action lawsuit was filed by residents, workers and school children against EPA and Whitman personally. A federal judge recently ruled that the lawsuit can go forward, and stated that Whitman's actions were "without question, conscience-shocking."

In the interview with 60 Minutes, Whitman reportedly claims "We didn't have the authority to do that enforcement, but we communicated to the people who did," and then puts that blame on the City. However, the EPA's responsibility to respond to the release of hazardous substances that may present an imminent and substantial danger to public health is clear. First, the National Contingency Plan (NCP) is administered by the EPA and authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NCP mandates that the On Scene Coordinators, among other things, collect pertinent facts about the release, the nature, amount and location of released materials, the pathways to human exposure, and the potential impact on human health and the environment. Second, Presidential Decision Directive 62 reiterates that the EPA is the lead agency for responding to the release of hazardous materials in a terrorist attack, and that the EPA has the specific responsibility to remediate inside buildings. On November 28, 2001, Administrator Christine Todd Whitman outlined the EPA's role in counter terrorism activities before the Senate Appropriations Subcommittee on VA, HUD, and Independent Agencies. Administrator Whitman testified that "Under the provisions of PDD 62, signed by President Clinton in 1998, the EPA is assigned lead responsibility for cleaning up buildings and other sites contaminated by chemical or biological agents as a result of an act of terrorism. This responsibility draws on our decades of experience in cleaning up sites contaminated by toxins through prior practices or accidents."

"Whitman lied for five years. She said the air was safe, when she had data to the contrary, and now people are sick," said Rep. Nadler. "This is a pathetic attempt by someone desperate to escape prosecution in federal court, and in the court of public opinion," he added.

###